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## TRANSMITTAL FORM

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Total Number of Pages in This Submission

Application Number	10/699,175
Filing Date	October 31, 2003
First Named Inventor	John R. Bianchi, et al.
Art Unit	3738
Examiner Name	Christopher D. Prone
Attorney Docket Number	MSDI-434/PC316.08

### ENCLOSURES (Check all that apply)

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Remarks

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Krieg DeVault LLP		
Signature			
Printed name	Gregory B. Coy		
Date	June 13, 2007	Reg. No.	40,967

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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:  
Bianchi et al.

) Before the Examiner:  
) Christopher D. Prone  
)

)  
) Application of Serial No. 10/699,175  
)

) Group Art Unit 3738  
)

)  
) Filed October 31, 2003  
)

) Ref. No. MSDI-434/PC316.08  
)

)  
) OPEN INTERVERTEBRAL SPACER  
)

) June 13, 2007

### RESPONSE TO FINAL OFFICE ACTION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Final Office Action dated March 19, 2007, please consider the following. No fees are believed to be required for this submission; however, if any additional fees are deemed necessary, please charge said fees to Deposit Account No. 12-2424, but not to include the payment of any issue fee.

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\_\_\_\_\_  
Gregory B. Coy

\_\_\_\_\_  
Name of Registered Representative

\_\_\_\_\_  
  
Signature

\_\_\_\_\_  
June 13, 2007  
Date of Signature

RESPONSE TO FINAL OFFICE ACTION

Serial No. 10/699,175

Attorney Docket No. MSDI-434

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